IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 8823 of 1996

Between:

1 S. Padmanabhan, s/o. Elraja Chetty, Hindu, Superintdent Office of the Registrar, S.V. University,
Tirupati, and resident of Tirupati.
2 G. Sudhakara Chetty, s/o. L. Giriraja Chetty, Hindu, Superintendent, A.VI/Section, S.V. University Office,
Tirupati and resident of Tirupati.
3 G. Krishnama Raju, s/o. Ganga Raju, Hindu, Senior Assistant on lien and at present working as
Assistant Registrar, S.P. Mahila University, Tirupati, and resident of Tirupati.
4 V. Gururaja Rao, s/o. R. Venkataramanachar, Hindu, Senior Assistant, Office of the Registrar, S.V. University
Tirupati, and resident of Tirupati.
5 G. Ramalingaiah, s/o. Ramaiah, Hindu, Senior Assistant, Office of the Vice-Chancellor, S.V.University,
Tirupati and resident of Tirupati.
6 G. Suramanyam, s/o. Raghavaiah, Hindu, Senior Assistant, Office ofthe principal, S.V. U. College of
Engineering, Tirupati, and resident of Tirupati,
7 R. Muni Kumar, s/o. R. Nadhamuni, Hindu, Senior Assistant, Office of the Registrar , S.V. University,
Tirupati and resident of Tirupati.

..... PETITIONERS

AND

1 Sri Venkateshwara University, Tirupati, represented by its Registrary, Tirupati,
2 Govt of A.P., rep. by its Secretary, Fin & Planning (Finance Dept., Secretariat, Hyderabad.

(R.2 is impleaded as per Court order dt. 27-01-2000 in W.P.M.P.No.28696/99)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue an appropriate writ or order or direction more particularly one in the nature of writof Mandamus declaring the action of the Respondent University in not protecting the special pay drawn by the petitioners as U.D. Stenographers after their conversion as Senior Assistants as illegal, arbitrary and unsustainable and consequently directing the Respondent - University to refix our pay as Senior Assistant by clubbing the Special pay of Rs. 85/- drawn by us as U.D. Stenographers.

Counsel for the Petitioner: MR. V. JAGAPATHI

Counsel for the Respondent No.1: MR. P. SRI RAMULU NAIDU

Counsel for the Respondent No.2: G.P. for Finance & Planning.

The Court made the following :

:ORAL ORDER:

It is represented by Sri V. Jagapathi, learned counsel for the petitioners that the 3rd petitioner has died. The writ petition insofar as the 3rd respondent accordingly abates.

1st and 2nd petitioners were appointed as U.D. Stenographers, while 4th to 7th petitioners were initially appointed as L.D. Stenographers and were promoted later as U.D. Stenographers. While working as UD Stenographers, all the petitioners were getting a special pay of Rs. 45-00 per month which was thereafter enhanced to Rs.85-00 per month on account of the fact that they possessed the qualification of Typewriting and Shorthand and were functioning in areas relevant to the possession of such qualifications. As per the then extant service rules for promotion to the category of Superintendents while UD Clerks were eligible UD Stenographers were not. To qualify for such promotion, UD Stenographers desirous of promotion need to seek conversion as Senior Assistants and have to work as such for a period of three years before acquiring eligibility for promotion to the category of Superintendents. Petitioner Nos. 1 to 6 requested and were converted as Senior Assistants. Initially, the respondent-University allowed these petitioners the special pay of Rs. 85-00 per month upto 20-04-1989, even after their conversion, but with effect from 21-04-1989 the special pay of Rs.85-00 was discontinued. The 7th petitioner was converted as Senior Assistant with effect from 03-11-1989 and with effect from the date of his conversion, no special pay was being paid to him. Thereafter, 1st and 2nd petitioners were promoted as Superintendents.

Claiming protection of special pay payable to the category of Typists, Steno-Typists, selection category Steno-Typists and P.As. to Secretaries, even when promoted to higher posts qua G.O.Ms.No.27 Finance & Planning (FIN.WING.FR.II) Department dated 17-01-1978 (for short 'G.O.Ms.No.27'), the petitioners laid a claim that they should be continued to pay the special pay of Rs.85-00 even on their conversion as Senior Assistants. Having been stonewalled on this claim by the respondent-University, they are before this court seeking an appropriate Mandamus.

G.O.Ms.No. 27 is an order of the State Government protecting the drawal of special pay allowed to Typists, Steno-typists and other categories on their promotion to higher posts, which do not carry the special pays. These orders of the Government apply only to the Government employees of those in respect of whom the

Government is empowered to issue directions. *Ex-facie* these Government orders do not apply to employees of the institutions/organizations who are governed by their own service rules and whose service conditions are structured by the decisions of their respective managements.

The respondent/University has filed a counter affidavit admitting the factual position to the extent set out in paragraph Nos. 3 and 4 of the counter affidavit, which proceeds to state that the petitioners were merely converted as Senior Assistants, but were not promoted to the said category from the category of U.D. Stenographers. On a true and fair construction of the provisions of G.O.Ms.No.27, these orders of the Government are not applicable to conversions but are applicable only where special pay is not attached to a post to which a person is promoted from a post which carries such special pay.

The petitioners do not establish before this court that there is any decision by the respondent-University adopting the orders of the Government in G.O.Ms.No. 27. On an empirical view, every order of the Government does not bind the respondent-University. The respondent-University is at liberty to adopt such orders of the Government as are considered appropriate for adoption for the respondent-University employees. These administrative choices of the respondent-University are to be taken on a considered view of its employment structure, financial position and all other complex administrative inputs, which govern decision making by the respondent-University. Apart from inapplicability of G.O.Ms.No. 27, nothing is pleaded, urged or demonstrated by the petitioners as to the legal basis on which the claim in this writ petition is asserted.

The writ petition, on the above analysis, is without merits, beseeches rejection and is accordingly dismissed. Nothing herein shall however come in the way of the petitioners in making a representation to the respondent-University, which, if such a representation were made, may consider the same in accordance with the plenitude of its administrative discretion and in accordance with law. No costs.

GODA RAGHURAM, J

Dt. 02-08-2004

Pvks/*

To

1 The Registrar, Sri Venkateshwara University, Tirupati, Chittor district.
2 The Secretary, Fin & Planning (Finance) Dept.,Govt of A.P., Secretariat, Hyderabad.

3.2CCs to the Government Pleader for Finance & Planning, A.P.High Court Buildings, Hyderabad (OUT).

4.2CD copies